APPENDIX 1. PERMITS, TRAINING, AND COMPLIANCE REQUIREMENTS

The objectives of the permitting and compliance program are to: (1) identify, standardize, and, as needed, modify training/certification procedures to ensure the safety of and minimize death and injury to red-cockaded woodpeckers; (2) standardize permit reporting requirements; (3) ensure compliance with all permit requirements, including reporting; (4) ensure that a coordinated specimen disposal program exists, and (5) facilitate distribution of research findings resulting from permit activities. The permit process is an important component of adaptive management. Permitted activities may be modified or eliminated based on research findings and/or an evaluation of their biological costs versus conservation benefits. The primary objective of establishing certification procedures, including "hands-on" protocols, is to minimize the potential for injury or death. Ultimately, it is our responsibility as individuals and as federal and state agency regulators to ensure that biological and ethical protocols are established and followed when conducting activities that have the potential to harm or harass red-cockaded woodpeckers.

The following activities associated with the monitoring and management of red-cockaded woodpeckers require an exemption from the prohibitions of Section 9 of the Endangered Species Act. This exemption is usually authorized via a Section 10(a)(1)(A) permit. The U.S. Fish and Wildlife Service considers that these activities have the potential to harass or result in death or injury to an individual red-cockaded woodpecker or to raise concern about possession of endangered wildlife contrary to laws and regulations.

- 1. installation and/or modification of artificial nesting cavities.
- 2. installation of cavity restrictors.
- 3. manipulation (removal or modification) of red-cockaded woodpecker cavities or cavity trees, including installation of SNEDs, SQEDs, cameras, etc.
- 4. capturing and handling (for any purpose, including banding or color marking) nestling and adult birds.
- 5. placing radiotelemetry devices on red-cockaded woodpeckers.
- 6. visual examination of active cavities with a mirror and droplight or a video probe ("peeper").
- 7. salvage of addled eggs, and/or determining viability of eggs.
- 8. collection and retention of red-cockaded woodpecker specimens or their body parts (including eggs, blood or feathers) for scientific and other purposes consistent with the species' conservation strategy.
- 9. interstate commerce of dead or living birds or their body parts, including sale or bartering for financial gain.
- 10. translocation and/or temporary confinement of adults, fledglings, chicks, or eggs.
- any other activity or practice that may be construed to harm or harass redcockaded woodpeckers during any life stage.

In addition, the following activities involving red-cockaded woodpeckers are likely to require a Section 10(a)(1)(A) permit unless you are an employee or agent of the

U.S. Fish and Wildlife Service, any other federal land management agency, or a state conservation agency who is designated by his agency for the following purposes:

- 1. aid to a sick, injured, or orphaned specimen.
- 2. disposal of a dead specimen.
- 3. salvage of a dead specimen which may be useful for scientific study.

(Federal or state employees and agents must notify the U.S. Fish and Wildlife Service, Division of Law Enforcement within 5 days of undertaking these activities and must receive concurrence from the U.S. Fish and Wildlife Service on the disposition of these specimens.)

Those individuals placing aluminum bands and/or auxiliary markers (including colored leg bands) on red-cockaded woodpeckers, require a permit (in addition to a U.S. Fish and Wildlife Service Section 10(a)(1)(A) permit) for each of those activities from the U.S. Geological Survey, Biological Resources Division's National Bird Banding Lab, Route 197, Laurel, Maryland 20708; telephone: (301) 498-0428. Most, if not all, states harboring red-cockaded woodpeckers also require permits for some of the activities listed above, including translocating birds from and to their state. Contact state wildlife agencies for endangered/threatened species permit requirements. Each permit has a specific purpose and provides important information to the agency legally responsible for issuing the permit.

Reporting Requirements

Every Section 10(a)(1)(A) permit requires an annual report to the U.S. Fish and Wildlife Service. The Annual Report fulfills this requirement, and must be completed and submitted to the Recovery Coordinator (original) and the U.S. Fish and Wildlife Service's Regional Office (copy) annually by January 31st. Agencies or individuals not submitting completed reports will not have their permits re-authorized. This reporting system ensures that this critical recovery program is evaluated annually for its conservation value, and is modified as needed in response to new information.

Training

Prior to issuing any Section 10(a)(1)(A) permit, the U.S. Fish and Wildlife Service must meet several criteria, including the determination of the applicant's ability to successfully accomplish the authorized activities. Because of the potential for direct injury or death to red-cockaded woodpeckers from the above activities, all individuals involved in any of these activities must be trained and certified for each activity prior to receiving a permit or sub-permit under someone else's permit. Potential applicants must be trained by an individual who has the proper permits for and extensive experience in the activity in question. Several federal and state biologists, consultants, and researchers are considered "trainers" or "certifiers" by the U.S. Fish and Wildlife Service for one or

more of the above activities. Upon satisfactory completion of training (as determined by the trainer and the Service), the trainer certifies in writing to the Service that the individual is competent and qualified to perform the activity or activities in question. Contact the Red-cockaded Woodpecker Recovery Coordinator to arrange training with certified trainers.

Training for Installation of Artificial Cavities and Restrictors

Training prior to installation of artificial cavities and restrictors is considered adequate if the following criteria are met:

- a. A period of apprenticeship is completed under the direction of a person that has held appropriate permits for at least three years and has been involved in the activities in question throughout that time.
- b. The apprentice has installed at least 10 restrictors, 10 drilled cavities, 10 starts, and 10 inserts under direct supervision of the permit holder.
- c. The apprentice has learned the maintenance and inspection procedures for cavities and restrictors.
- d. The permit holder has certified in writing to the U.S. Fish and Wildlife Service Regional Permits Coordinator and the Red-cockaded Woodpecker Recovery Coordinator that the apprentice completed the required training. If the permit holder determines that additional training of the apprentice is necessary or that the apprentice should not be issued a permit, he or she should certify such in writing to the apprentice and the coordinators listed above.

Training for Monitoring, Capture, Banding, Etc.

Safe and accurate monitoring of red-cockaded woodpeckers requires skill, normally acquired through years of experience with red-cockaded woodpeckers and their habitat. Apprenticeship training by a recognized expert in the biology of red-cockaded woodpeckers can accelerate the acquisition of appropriate monitoring skills. The Red-cockaded Woodpecker Recovery Coordinator maintains a list of recognized experts who are willing to serve as trainers. Persons seeking the endangered species and bird banding permits necessary for red-cockaded woodpecker monitoring will document their *need* in writing to the Red-cockaded Woodpecker Recovery Coordinator and the Regional Permits Coordinator. If both Coordinators concur that the monitoring need is legitimate and that the permit applicant is the appropriate entity to conduct the monitoring, the applicant will be referred to the list of qualified trainers. In reaching the referral decision the Recovery Coordinator or Permits Coordinator may conduct background inquiries as they deem necessary.

The applicant will select a red-cockaded woodpecker trainer from the provided list, contact that person, and arrange for training to occur. The cost of training will be borne by the applicant. The red-cockaded woodpecker expert will personally supervise the training of the applicant. The training period will be at the discretion of the trainer, but will not be less than:

- a. 50 cavities correctly assessed for stage and activity,
- b. 15 cavity trees climbed and cavity contents checked,
- c. 10 adult red-cockaded woodpeckers captured and banded (with appropriate data taken) without injury to the birds,
- d. 20 nestlings captured, aged and banded (with appropriate data taken) without injury to the birds,
- e. 20 free ranging red-cockaded woodpeckers correctly identified by color-bands,
- f. 10 sub-adults translocated without injury or mortality (including all associated activities such as feeding during transport, etc.), and
- g. 10 red-cockaded woodpeckers treated for any other handling technique (such as bleeding, etc.).

Once at least the minimum amount of training, as described above or as otherwise dictated by the Recovery Coordinator, is accomplished to the satisfaction of the trainer, he or she will certify such in writing to the Recovery Coordinator and the Regional Permits Coordinator. The trainer will only conduct training and certification in areas of expertise in which he or she is certified. The trainer is under no obligation to certify anyone if in his or her opinion the applicant has not completed training adequately. If such is the case, the trainer will document the deficiencies in writing to the applicant, the Recovery Coordinator and the Regional Permits Coordinator, and recommend either more training or permit denial. Certification may be issued for some techniques and withheld for others. A person receiving certification cannot in turn train and certify other individuals until he or she has at least 3 years of experience in the certified techniques, has all required permits in good order and has been placed on the Recovery Coordinator's list of red-cockaded woodpecker trainers.